

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:) Chapter 11
)
TWA INC. POST CONFIRMATION ESTATE) Case No. 01-56 (PJW)
) "Jury Properly Demanded"
Debtor) Hearing Date: April 17, 2008 at 9:30 a.m.
) Objection Due: April 10, 2008 at 4:00 p.m.

**MOTION TO AMEND OF HERBERT MC MILLIAN, (I). TO REINSTATE THE
PRIOR AUTOMATIC STAY OF MODIFICATION ORDER, TO CERTAIN
CLAIMS AND (II). RECONSIDER ORDER TO CONTINUE PAYMENTS OF
DISABILITY INSURANCE BENEFITS PLAN, DUE AND OWN TO RETIREE
HERBERT MCMILLIAN OF "TWA" FROM 1979 AND 2001 ONWARDS**

Docket No. _____

TO: Parties required to receive **notice** pursuant to Bankruptcy Procedure 2002 and 4001.

HERBERT MCMILLIAN, as Creditor's, hereby filed a Motion to amend, (I). to
Reinstate, prior Automatic STAY of Modification ORDER, for Trial by Jury, to Certain
Claims, under 11 U.S.C. ~362(a) (d)(e) (f) (h) and 28 USC-1334(c) (b) (e)2; and (II). The
Creditor's **request** for **Reconsider** ORDER Allowing Creditor's equity **Relief Sought**
lifting the STAY and ABSTENTION and, is FINAL thereof:

1). Apply into **focusing** on the Creditor's, of all *duty filed* - indexing - "**docket items**"
of *aforesaid and foregoing objections* and all **contested matters**, based on **fraud** as
to written *falsify Debtors /Estate's Post Confirmation of Plans and Declaration's in*
thirty-ninth through forty -sixth also current forty-seventh of the Filed and Docket
Items, and Recording Transcripts and *Exhibits* matters at *raised* issues of this cause
before this Court, for **Reconsider**, an Order's, allowing the STAY to continued in effect
pending conclusion of written findings of facts and state of law **on the entire archive**
records, by Bankr Rule, 7052, **9014** and 11 USC-362(a)(e)1. and 3018; 3020 and other.

- (2). as a result of a Final Hearing, “Right of Trial by Jury has been *properly* Demanded” for resolution of all issue in above-captioned -action, pursuant 38 of F.R. Civ.P and 81(c).
- (3). **to compel** the *respective* party’s Trans World Airlines Inc (“TWA“) *and* Hartford Insurance Group (HIG) *and* U.S. Trustee’s - appointed. shall **Reinstate**, Retroactive *and* Continue *past* and *future* back Payments of the reinsurance benefits to retiree Herbert McMillian, as Field Manager employee Individual, and as all parties are treated fairly and equity under 11 U.S.C.-1114 (a)(e)1(f)1 and **Title VI** section 608 (1) through (5) as per **Trans World Airlines Inc. -Non- Contract Retirement Information Package “Requirement For Retirement Salaried Employees , including Management Policy & Procedure Manual”** - (TWA, Inc) - NYS Tax Id#526976).and regulated by Pension **Benefits** Guaranty Corporation (“PBGC“) and **Relief** in Employees Retirement Income Security Act. (ERISA) Plan and “Annuity Contract Plan” (401K).
- (4) American Airlines, Inc.(“AA”) as joinder ,shall Retroactively *and* Continue *Future* Payments to Herbert McMillian, Individual and others similarly situated **back payment** for workers’ Compensation benefits by New York State Workers’ Compensation Act disability benefits, regarding on the job injury from August 30, 1979 and 2001 onward of Workers’ Compensation benefits were **agreed** between Trans World Airlines, Inc (TWA) *and* (“AA”) to be continued to be paid out to the (“TWA”) employees as per the written agreement in **Trans World Airlines, Inc.et al. S SS 363 Sale of Assets to American Airlines, Inc. and Related Reorganization Matters and any other Agreement’s.**
- (5) **PRAYER FOR RELIEF (F.R.C.P.8(a); 29 USCA ~ 1132 AND 1301 et seq.).**

WHEREFORE, Creditor’s **demands** Judgment **-against-** all Debtors’(its recipient list) in **value of equity security** sum \$25,000.000.00 (dollars), due an owing of “PBGC“, by Title IV of “ERISA“, plus interest, costs, other relief **court** deems just . by 28 USC~1361. and

(6) Removal: Bankruptcy Procedures 9027 and Federal Rule Civil Practice 81(c)

(i) Jury Trial of Right has been Properly Demand - 28 USC~1411(a) and F.R.Civ. P.38(b),
as to Liability , as to Damages , all issues, all retirees benefits plans, and breach contract.,

(ii) Change of Venue-Jurisdiction: U. S. District -Court - 2nd Judicial - NY.(28 USC~1412)

MOTION OF MATTERS SCHEDULED FOR OMNIBUS HEARING (Bankr.P.9014).

Date: April 17, 2008 at 9:30 A.M.

Place: 824 Market Street , Wilmington , Delaware , 19899

Judge: Hon: Peter J. Walsh or Successor Trial Judge's., by Jury (pursuant to F.R.Civ.P 63).

(7) (TWA, Inc) Plan Administrator, for debtors/estate, its recipients are required to file a response / declaration / affidavit under oath (any and all **production of documents , for inspection and for admission,** and certify the *enumerate* evidentiary supporting documentation as a public record pursuant to Fed..R.Civ.P. 44 and Fed. Evidence 902, *and* mail a copy of the documents, with certification, to undersigned at address; of the following relevant documents;

(i). Herbert Mc Millian , as *former* retiree employee - "Field Manager" entire personnel files of record , also Workers Compensation by Hartford Insurance Group, Policy Case #302FC24899 in *Annuity Contract Plan* in **Permanent Partial Disability** **Personal Injury- Claims on the job /** on date August 30, 1979 at JFK Airport, Jamaica, NY.

> Creditor, **Inspection** Request is authorized under F.R.Civ. P 34 and 36 and

> **Relief** requested of this Court by Creditor, is authorized under F.R. Civ. P 37.and

(ii). Trans World Airlines Inc. -Non -Contract Retirement Information Package Plan, govern by PBGC) by F.R.C.P 8(a); under section 29 USC -1301 et seq. and **Relief** in ERISA, under 29 USC- section 1001 et seq. and 1002 et seq. and section 1131 and 1132 et seq. **and** section 42 USCA -12101 et seq. in the Social Security Act(SSA). of Title IV.

(iii). Trans World Airlines, Inc. et al, S.SS 363 Sale of Assets to American Airlines, Inc. Related Reorganization Matters. and other agreement's, as required by Rule 4001-1 (d) to the attached motion at least five business days before the above hearing date.

(8). At the same time, you must also serve a copy of the response upon undersigned - Herbert McMillian - Pro Se for Creditor's individual and other parties in interest.

(9) The hearing date specified above may be a preliminary-evidentiary hearing or may be consolidated with the final hearing, jury trial of right for resolution by F.R.Cv.P 38, in the *personal injury* on the job of Certain Claims of Herbert McMillian, as allowed and determined by Court, Modification Orders, dated: August 24 ,2001 and [Docket # 2163].

(10) Amended Proof of Claims, Claim #1006824 Filed and Docket # 5853 - uncontested Value of Collateral -Equity Security Amount \$25,000.000.00 (dollars) Filed with (BMC), Agent . Pursuant Bankruptcy Procedure 3008; 3013; 3015; 3016; 3019 ; **3020**.and 2002(g).

(11) The attorneys for the parties shall confer with respect to both legal and equitable all claims or all issues raised and present by the Motion in advance for the purpose of determining whether a consent judgment may be entered and/or for the purpose of stipulating to relevant facts such as value of the property, and the extent and validity of any equity security instrument **or** Bond under Bankr. P. 3020 and 2010(a)(b) and 9025.

(12) Objections or other responses by Oath Declaration/Affidavit to the Motion, if any must be served so that they are received not later than **April 10 , 2008, at 4:00 p.m.**

IF NO OBJECTION ARE TIMELY FILED AND SERVED IN ACCORDANCE WITH THIS NOTICE, THE COURT MAY GRANT THE DEMANDED BY THE MOTION WITHOUT FURTHER NOTICE OR HEARING.

IN THE EVENT THAT ANY OBJECTION OR RESPONSE BY ADVERSE PARTIES IN INTEREST IS FILED AND SERVED IN ACCORDANCE WITH THIS NOTICE , A HEARING ON THE MOTION WILL BE HELD AT THE CONVENIENCE OF THE COURT.

Enclosure (attached).

>Creditor 's, will provide any of [bulky] documents on request only or at a Hearing.

Dated: March 26th, 2008

Respectfully Submitted in Good Faith,
By: Herbert McMillian
Herbert McMillian - Pro Se for Creditor's
179-17 Anderson Road
St. Albans, NY 11434
(718) 723-4692

THE CLERK OF COURT IS RESPONSIBLE FOR SENDING A COPY OF THIS FORM MOTION TO: U.S. DEPARTMENT OF JUSTICE, OFFICE OF U.S. ATTORNEY GENERAL OF U.S. TRUSTEE PANEL SYSTEM FUND. WASHINGTON, D.C. AND U.S. ATTORNEY'S OFFICE / DE by 28 U.S.C. 589(a) and 581 and 586 (a)(b) B and F, (3rd Judicial District -DE) or/and (2nd Judicial District -NY).

See: Affidavit / Certificate of Service List - (Attached)

VIA: U.S. Certified Mail: RRR. or U.S. Certificate of Mailing:

TO: TWA, Inc. Post -Plan Administrator for Debtors/Estate / Counsels, its recipients by Bankr. P. 2002 or 4001.

Hartford Insurance Group, for TWA, IPD / Retiree Benefits Plan Resolution, Annuity Contract Plan back Pay -out , by Bankr. P 1114.

Agreement between American Airlines Inc, regarding Post Retirement Benefits Payments, and Asset Purchase Agreement 3.1(c), and by Bankr.P 1114(a)

Bankruptcy Management Corporation (BMC) Agent for (TWA) by Bankr. P. 3008 and 3020 and 2002(g) regarding (**Amended Proof of Claims #1006824** and **Docket No.5853 - Value -Collateral - Equity Security Amount \$25,000,000. 00 (dollars).**

U.S. Trustee Panel / District of Delaware -3rd Judicial by 28 USC- 581 or 589

U.S. Attorney Office / District of Delaware by 28 USC-581 or 589

Via: U.S. First Class Mail

CC: Material Witness(es); by 28 U.S.C.-144 and 455 and F.R. Civ.P. 63.

U.S.Bankruptcy Court /DE Case No. 01-56 (Peter J. Walsh , Judge - Appointed

U.S. Bankruptcy Court /DE Appeal No 05- 88 (Mary F. Walrath, Chief Judge

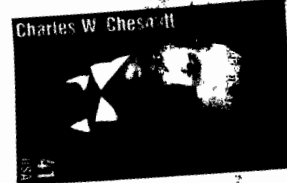
U.S. District Court / DE Case No.06-44. (Sue L. Robinson, Chief Judge

U.S. Court of Appeals / PA Docket No.06-4450 (3 Panel Judge's)

Herbert Mc Millian
179-17 Anderson Road
St. Albans, N.Y. 11434

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DEPT. OF CORRECTIONS
THRU SPEAK
John Adams
FOR INFORMATION



Hon. Sue L. Robinson, Chief Judge
United States District Court
844 King Street
Wilmington, DE 19801

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